

## Standard 4 Education Agents

### PURPOSE

BCH enters into a written agreement with each education agent who recruits students on its behalf.

BCH will

- have a written agreement with each education agent they engage with;
- enter and maintain education agent details in Provider Registration and International Student Management System (PRISMS);
- ensure education agents have appropriate knowledge and understanding of the Australian International Education and Training Agent Code of Ethics;
- ensure education agents act honestly and in good faith;
- take immediate corrective action, or terminate a relationship if an agent (or an employee or subcontractor) is not complying with the National Code; and
- not accept overseas students from an education agent if it knows or suspects that the education agent is engaging in unethical recruitment processes.

### Key Requirements.

The written agreements will specify

- BCH's responsibilities, including the compliance with the Education Services for Overseas Students Act 2000 (ESOS Act) and National Code 2018;
- the requirements of the agent in representing the registered provider;
- the registered provider's processes for monitoring the education agent's activities and ensuring the education agent gives overseas students accurate and up-to-date information;
- the corrective actions that may be taken and the grounds for termination of the written agreement with the education agent; and
- the circumstances which information about the registered provider may be shared by the registered provider and Commonwealth or state and territory agencies.
- Ensure the agent does not state or infer the following: -
  - The overseas student will get employment as a result of their studies
  - The overseas student is guaranteed successful completion / certification documents.
  - They or anyone else other than BCH is the training provider.

Education agents

BCH will ensure the education agents they engage with act ethically, honestly and in the best interest of overseas students. This means BCH must ensure its education agents declare and take all reasonable steps to avoid conflicts of interest with its duties as an education agent of the registered provider. This provision is to ensure transparency in the education agent's activities. Examples of conflicts of interest include, but are not limited to:

- when the agent charges services fees to both overseas students and registered providers for the same service;
- where an education agent has a financial interest in a private education provider; or
- where an employee of an education agent has a personal relationship with an employee of the education provider. Registered providers must also ensure education agents observe appropriate levels of confidentiality and transparency in dealings with overseas students while acting honestly and in good faith.

Education agents must also have appropriate knowledge and understanding of the overseas education system in Australia, including the Australian International Education and Training Agent Code of Ethics. Registered providers should ensure any education agents they engage with, including offshore agents, have up-to-date and accurate marketing information. The Australian International Education and Training Agent Code of Ethics is based on the London Statement. These requirements ensure education agents adhere to and practice responsible business ethics, and that education agents understand their obligations to provide current, accurate and honest information to overseas students to help them make informed decisions about study in Australia.

Maintaining details in PRISMS

BCH will enter and maintain the details of education agents with whom they have a written agreement in PRISMS. A 'How To' guide for recording details in PRISMS is available at [How to Manage Agents](#)

## Immediate corrective actions

Registered providers must take immediate corrective action if they are aware that or believe the education agent or its employee or subcontractor, have not complied with the education agent's responsibilities under Standard 4. Corrective actions may include providing education agents with additional information or targeted training on expectations of the agent.

If a provider becomes aware or has reason to believe that an education agent is engaging in false or misleading recruitment practices, they must immediately terminate their relationship with the agent.

If the false or misleading recruitment practices were engaged in by an employee or subcontractor of the education agent, the registered provider must require the education agent to terminate its relationship with those individuals.

Registered providers must not accept students from education agents if they believe the education agent is engaging in unethical recruitment practices. This includes education agents that provide migration advice to overseas students when they are not authorised to do so under the Migration Act 1958. Registered providers must not accept overseas students from education agents that engage in, or have previously engaged in, dishonest recruitment practices. This includes education agents knowingly recruiting an overseas student in conflict with the registered providers' obligations under Standard 7 (Overseas Student Transfers).

Registered providers must not accept overseas students from education agents if they believe the education agent is creating Confirmation of Enrolments (CoEs) in PRISMS for non bona fide overseas students or facilitating the enrolment of overseas students while knowing that the overseas student will not comply with the conditions of their visa.

## Overview of Standard 4

### Education Agents

- 4.1 The registered provider must enter into a written agreement with each education agent it engages to formally represent it and enter and maintain the education agent's details in PRISMS.
- 4.2 The written agreement must outline:
  - 4.2.1 the responsibilities of the registered provider, including that the registered provider is responsible at all times for compliance with the ESOS Act and National Code 2018
  - 4.2.2 the registered provider's requirements of the agent in representing the registered provider as outlined in Standard 4.3

- 4.2.3 the registered provider's processes for monitoring the activities of the education agent in representing the provider, and ensuring the education agent is giving students accurate and up-to-date information on the registered provider's services
  - 4.2.4 the corrective action that may be taken by the registered provider if the education agent does not comply with its obligations under the written agreement including providing for corrective action outlined in Standard 4.4
  - 4.2.5 the registered provider's grounds for termination of the registered provider's written agreement with the education agent, including providing for termination in the circumstances outlined in Standard 4.5
  - 4.2.6 the circumstances under which information about the education agent may be disclosed by the registered provider and the Commonwealth or state or territory agencies.
- 4.3 A registered provider must require its education agent to:
- 4.3.1 declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the registered provider
  - 4.3.2 observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students
  - 4.3.3 act honestly and in good faith, and in the best interests of the student
  - 4.3.4 have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.
- 4.4 Where the registered provider becomes aware that, or has reason to believe, the education agent or an employee or subcontractor of that education agent has not complied with the education agent's responsibilities under standards 4.2 and 4.3, the registered provider must take immediate corrective action.
- 4.5 Where the registered provider becomes aware, or has reason to believe, that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices, the registered provider must immediately terminate its relationship with the education agent, or require the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices.
- 4.6 The registered provider must not accept students from an education agent if it knows or reasonably suspects the education agent to be:
- 4.6.1 providing migration advice, unless that education agent is authorised to do so under the Migration Act
  - 4.6.2 engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Overseas student transfers)
  - 4.6.3 facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa
- 4.6.4 using PRISMS to create CoEs for other than bona fide students.